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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,623	01/28/2004	Thomas R. Hetzel	249.305	3753

28785 7590 10/21/2005

JOHN R LEY, LCC  
5299 DTC BLVD, SUITE 610  
GREENWOOD VILLAGE, CO 80111

EXAMINER
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SAFAVI, MICHAEL

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

The reply filed on August 04, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has elected the invention of Group I, claims 1-41, directed to a cushion but, has failed to elect a single species from each of the two Groups of species set forth on pages 2-3 in the requirement for restriction of March 24, 2005. Applicant must include a listing of all claims readable on the elected species.

Applicants' response of "claims 4-15, 17-19, 21-25, 27, 32-34 and 38-41 of Group I are further elected as a species of Group I" is not an appropriate response to the election of species requirement of March 24, 2005. The election of species requirement set forth **TWO** Groups of species from which Applicant shall elect and had identified the respective species by drawing Figures. Applicant in the response filed August 04, 2005 has failed to designate a figure from the Group I species, (including a listing of all claims readable thereon), and has failed to designate a figure from the Group II species, (including a listing of all claims readable thereon). It has been noted that Applicants' remark that "[t]he most recent office action clarifies that a single species must be selected from each of the two Groups of claims identified in the restriction requirement mailed March 24, 2005" appears in error. Rather, the Notice of Non-Responsive Amendment mailed July 12, 2005 stated "Applicant...has failed to elect a single species from each of the two Groups of species set forth on pages 2-3 in the requirement for restriction of March 24, 2005. Applicant must include a listing of all claims readable on the elected species."



Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (571) 272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



**MICHAEL SAFAVI**  
**PRIMARY EXAMINER**  
**ART UNIT 364**

M. Safavi  
October 05, 2005